

PATENT  
7586D3033

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SMITH, et al

Serial No: 08/392,934

Filed: September 15, 1993

For: IMMUNOREACTIVE PEPTIDES FROM  
EPSTEIN-BARR VIRUS

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington D.C. 20231, on

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Signature

10/23/96  
Date

## DECLARATION OF JOHN R. WETHERELL

I, JOHN R. WETHERELL, declare as follows:

1. I was an attorney of record for the patent application serial number 07/945,280, filed on September 15, 1992 and abandoned on January 31, 1994, entitled "Immunoreactive Peptides From Epstein-Barr Virus". I was also the attorney of record for the Patent Cooperation Treaty (PCT) application filed on September 15, 1993 as a Continuation-in-Part (CIP) of the above patent application. At the time the application was prepared and filed, I was not aware Dr. Susan Pothan Varghese was an inventor as I had been communicating with the named inventors employed by Johnson & Johnson, Drs. D. Elliot Parks and Richard Smith. I have no recollection of Drs. Parks or Smith having informed me at that time that Dr. Varghese was an inventor.

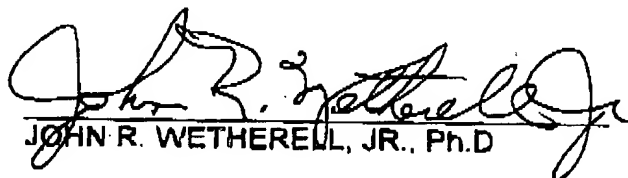
2. In about May 1993, in response to a call from Dr. D. Elliot Parks, I contacted the Office of Technology Transfer Department at Georgetown University to

check the patent memorandum submitted to Georgetown University by the inventors for the present application. I found that the patent memorandum did not name Dr. Susan Pothan Varghese as an inventor. Therefore, based on the review of the patent memorandum, I concluded that Dr. Susan Pothan Varghese should not be named as a co-inventor.

3. In August 1994, Carol Tracy of Georgetown University sent me a copy of Susan Varghese's Ph.D. dissertation, and asked us to further ascertain whether Dr. Varghese should be included as a co-inventor. My colleague Stacy Howells, who was also an attorney of record at the time, inspected the dissertation and concluded that Dr. Susan Varghese was a co-inventor of the above identified invention, in about September, 1994.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed by me to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of title 18 of the United States Code.

Dated: Oct. 22, 1996

  
JOHN R. WETHERELL, JR., Ph.D